

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

GEORGE BOSILJEVAC, et. al.,

Plaintiffs,

vs.

MOUNTAIN WEST STEEL, LLC,

Defendant.

CV-17-54-BU-BMM

ORDER

Plaintiffs have filed a motion for Entry of Final Judgment Covering Plaintiffs' Claimed Attorneys' Fees and Costs. (Doc. 35). Plaintiffs represent that Defendant's prior defense counsel, Michael Horton, is still suspended from the Federal Bar, and the Court has no reason to suspect otherwise. No other counsel has appeared on behalf of the Defendant. Defendant has not responded to Plaintiffs' motion.

Plaintiffs had previously filed a motion to amend the Court's judgment to clarify the dollar amount of unpaid contributions, working dues, and any interest owed. (Doc. 32). Plaintiffs also requested that Defendant submit to an audit of its payroll records and allow Plaintiffs to file a motion subsequent to the entry of judgment to seek attorneys' fees and costs. (Doc. 33). The Court granted

Plaintiff's motion and clarified the judgment, ordering Defendants to submit to an audit and accounting of its payroll records. (Doc. 34).

Plaintiffs now submit that they are willing to forego the previously ordered audit and request an order from the Court granting Plaintiff's attorneys' fees and costs in accordance with ERISA § 502(g)(2)(D), 29 U.S.C. § 1132(g)(2)(D).

IT IS ORDERED that the Court's previous Order clarifying Final Judgment (Doc. 34) is modified to release Defendant from the obligation to comply with an audit and accounting of its payroll records.

IT IS FURTHER ORDERED that the Final Judgment (Doc. 31) shall be modified to provide the following:

Judgment is entered against Defendant and in favor of Plaintiffs for:

- (1) \$22,242.50 in attorneys' fees, as described in the Exhibits attached to Plaintiffs' motion. (Doc. 36-1, 36-2).
- (2) \$470 in costs, as described in the affidavit of Gregory J. Hatley. (Doc. 36-1).

DATED this 10th day of December, 2019.



Brian Morris
United States District Court Judge